IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Jarnail Singh Vs. State of Rajasthan & Ors.

S.B.CIVIL WRIT PETITION NO.3008/2006

DATE OF ORDER :: April 06, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.C.S.Kotwani, for the petitioner.
Mr.B.L.Tiwari, Deputy Government Advocate for respondents.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks direction to the respondents to pay him salary for the period from August, 1992 to July, 1995 with interest at the rate of 24%. A reply to the writ petition has been filed.

I have heard learned counsel for the parties.

Facts giving rise to the instant writ petition are that the petitioner was transferred from Padampur to Sri Ganganagar on

24.7.1992. That order came to be challenged by the petitioner before this Court by way of a writ petition being S.B.Civil Writ Petition No.3851/1992. On the said writ petition, this Court directed to maintain status quo regarding the posting place of the petitioner. In pursuance of the order of this Court, the petitioner continued at Padampur till he was relieved in the month of July, 1995 and joined at new place on 01.8.1995.

In reply to the writ petition, the respondents came with a case that so far as petitioner's salary is concerned, the proposal for the said purpose was sent to the higher authority, which is pending consideration. Thus, the respondents have not denied the entitlement of the petitioner of the salary for the period in question. It is not in dispute that the petitioner though was transferred from Padampur to Sri Ganganagar on 24.7.1992 but by virtue of ad interim order of this Court in the writ petition noticed above, he continued to work at Padampur and vide Annexure-5, it has been made clear that in compliance of the order of this Court in the writ petition filed by the petitioner, the petitioner was allowed to continue at Padampur and thereafter, vide order dt. 9.5.1995, the petitioner was transferred to Indira Gandhi Nahar Pariyojna, Bikaner and that order was forwarded by the Assistant Engineer on 6.7.1995 and in compliance thereof, the Assistant Engineer relieved the petitioner on

31.7.1995 and thereafter he joined on 1.8.1995 at Bikaner. This shows that after the transfer of the petitioner in the month of July, 1992, he continued at Padampur up to 31.7.1995 and discharged his duties. There can be no reason to deny him the salary for the period from July, 1992 to 31.7.1995, more so, the entitlement of salary of the petitioner for the said period has not been disputed. In the circumstances, therefore, the writ petition deserves to be allowed.

Accordingly, the writ petition is allowed. Respondents are directed to pay due salary to the petitioner for the period from July, 1992 to 31.7.1995 with interest at the rate of 6% per annum within three months from today.

There shall be no order as costs.

[H.R.PANWAR],J.

m.asif/-